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HOUSE BILL 258

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Danice Picraux

AN ACT

RELATING TO JUDICIAL EDUCATION; INCREASING THE JUDICIAL
EDUCATION FEE; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 35-6-1 NMSA 1978 (being Laws 1968,
Chapter 62, Section 92, as amended by Laws 2001, Chapter 277,
Section 2 and also by Laws 2001, Chapter 279, Section 2) is
amended to read:

"35-6-1. MAGISTRATE COSTS--SCHEDULE--DEFINITION OF
"CONVICTED".--

A. Magistrate judges, including metropolitan court
judges, shall assess and collect and shall not waive, defer or
suspend the following costs:

docket fee, criminal actions under Section 29-5-1 NMSA
1978 \$ 1.00;

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1 docket fee, to be collected prior to docketing any other
2 criminal action, except as provided in Subsection B
3 of Section 35-6-3 NMSA 1978 20.00.
4 Proceeds from this docket fee shall be transferred
5 to the administrative office of the courts for
6 deposit in the court facilities fund;
7 docket fee, ten dollars (\$10.00) of which shall be
8 deposited in the court automation fund and fifteen
9 dollars (\$15.00) of which shall be deposited in the
10 civil legal services fund, to be collected prior to
11 docketing any civil action, except as provided in
12 Subsection A of Section 35-6-3 NMSA 1978 . . 62.00;
13 jury fee, to be collected from the party demanding trial
14 by jury in any civil action at the time the demand
15 is filed or made 25.00;
16 copying fee, for making and certifying copies of any
17 records in the court, for each page copied by
18 photographic process50.
19 Proceeds from this copying fee shall be transferred
20 to the administrative office of the courts for
21 deposit in the court facilities fund; and
22 copying fee, for computer-generated or electronically
23 transferred copies, per page 1.00.
24 Proceeds from this copying fee shall be transferred
25 to the administrative office of the courts for

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1 deposit in the court automation fund.

2 Except as otherwise specifically provided by law, docket
3 fees shall be paid into the court facilities fund.

4 B. Except as otherwise provided by law, no other
5 costs or fees shall be charged or collected in the magistrate
6 or metropolitan court.

7 C. The magistrate or metropolitan court may grant
8 free process to any party in any civil proceeding or special
9 statutory proceeding upon a proper showing of indigency. The
10 magistrate or metropolitan court may deny free process if it
11 finds that the complaint on its face does not state a cause of
12 action.

13 D. As used in this subsection, "convicted" means
14 the defendant has been found guilty of a criminal charge by the
15 magistrate or metropolitan judge, either after trial, a plea of
16 guilty or a plea of nolo contendere. Magistrate judges,
17 including metropolitan court judges, shall assess and collect
18 and shall not waive, defer or suspend the following costs:

19 (1) corrections fee in any county without a
20 metropolitan court, to be collected upon conviction from
21 persons convicted of violating any provision of the Motor
22 Vehicle Code involving the operation of a motor vehicle,
23 convicted of a crime constituting a misdemeanor or a petty
24 misdemeanor or convicted of violating any ordinance that may be
25 enforced by the imposition of a term of imprisonment

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1 \$10.00;

2 (2) court automation fee, to be collected upon
3 conviction from persons convicted of violating any provision of
4 the Motor Vehicle Code involving the operation of a motor
5 vehicle, convicted of a crime constituting a misdemeanor or a
6 petty misdemeanor or convicted of violating any ordinance that
7 may be enforced by the imposition of a term of imprisonment;
8 10.00;

9 (3) traffic safety fee, to be collected upon
10 conviction from persons convicted of violating any provision of
11 the Motor Vehicle Code involving the operation of a motor
12 vehicle 3.00;

13 (4) judicial education fee, to be collected
14 upon conviction from persons convicted of operating a motor
15 vehicle in violation of the Motor Vehicle Code, convicted of a
16 crime constituting a misdemeanor or a petty misdemeanor or
17 convicted of violating any ordinance punishable by a term of
18 imprisonment [~~1.00~~] 2.00;

19 (5) brain injury services fee, to be collected
20 upon conviction from persons convicted of violating any
21 provision of the Motor Vehicle Code involving the operation of
22 a motor vehicle 5.00;
23 and

24 (6) court facilities fee, to be collected upon
25 conviction from persons convicted of violating any provision of

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1 the Motor Vehicle Code involving the operation of a motor
2 vehicle, convicted of a crime constituting a misdemeanor or a
3 petty misdemeanor or convicted of violating any ordinance that
4 may be enforced by the imposition of a term of imprisonment as
5 follows:

6 in a county with a metropolitan court 24.00;

7 in any other county 10.00.

8 E. Metropolitan court judges shall assess and
9 collect and shall not waive, defer or suspend as costs a
10 mediation fee not to exceed five dollars (\$5.00) for the
11 docketing of small claims and criminal actions specified by
12 metropolitan court rule. Proceeds of the mediation fee shall
13 be deposited into the metropolitan court mediation fund."

14 Section 2. Section 35-14-11 NMSA 1978 (being Laws 1983,
15 Chapter 134, Section 6, as amended) is amended to read:

16 "35-14-11. MUNICIPAL ORDINANCE--COURT COSTS--
17 COLLECTION--PURPOSE.--

18 A. Every municipality shall enact an ordinance
19 requiring assessment of corrections fees, judicial education
20 fees and court automation fees to be collected as court costs
21 and used as provided in this section.

22 B. As used in this [subsection] section,
23 "convicted" means the defendant has been found guilty of a
24 criminal charge by a municipal judge, either after trial, a
25 plea of guilty or a plea of nolo contendere. A municipal judge

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1 shall collect the following costs:

2 (1) a corrections fee of ten dollars (\$10.00);

3 (2) a judicial education fee of [~~one dollar~~
4 ~~(\$1.00)] two dollars (\$2.00); and~~

5 (3) a court automation fee of six dollars
6 (\$6.00).

7 C. The fees are to be collected upon conviction
8 from persons convicted of violating any ordinance relating to
9 the operation of a motor vehicle or any ordinance that may be
10 enforced by the imposition of a term of imprisonment.

11 D. All money collected pursuant to Paragraph (1) of
12 Subsection B of this section shall be deposited in a special
13 fund in the municipal treasury and shall be used for municipal
14 jailer or juvenile detention officer training, for the
15 construction planning, construction, operation and maintenance
16 of a municipal jail or juvenile detention facility, for paying
17 the cost of housing municipal prisoners in a county jail or
18 housing juveniles in a detention facility or for complying with
19 match or contribution requirements for the receipt of federal
20 funds relating to jails or juvenile detention facilities.

21 E. All money collected pursuant to Paragraph (2) of
22 Subsection B of this section shall be remitted monthly to the
23 state treasurer for credit to the judicial education fund and
24 shall be used for the education and training, including
25 production of bench books and other written materials, of

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1 municipal judges and other municipal court employees.

2 F. All money collected pursuant to Paragraph (3) of
3 Subsection B of this section shall be remitted monthly to the
4 state treasurer for credit to the municipal court automation
5 fund and shall be used for the purchase and maintenance of
6 court automation systems in the municipal courts. The court
7 automation systems shall have the capability of providing, on a
8 timely basis, electronic records in a format specified by the
9 judicial information system council. "

10 Section 3. Section 66-8-116.3 NMSA 1978 (being Laws 1989,
11 Chapter 320, Section 5, as amended) is amended to read:

12 "66-8-116.3. PENALTY ASSESSMENT MISDEMEANORS--ADDITIONAL
13 FEES.--In addition to the penalty assessment established for
14 each penalty assessment misdemeanor, there shall be assessed:

15 A. in a county without a metropolitan court, ten
16 dollars (\$10.00) to help defray the costs of local government
17 corrections;

18 B. a court automation fee of ten dollars (\$10.00);

19 C. a traffic safety fee of three dollars (\$3.00),
20 which shall be credited to the traffic safety education and
21 enforcement fund;

22 D. a judicial education fee of [~~one dollar (\$1.00)]~~
23 two dollars (\$2.00), which shall be credited to the judicial
24 education fund;

25 E. a brain injury services fee of five dollars

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1 (\$5.00), which shall be credited to the brain injury services
2 fund; and

3 F. a court facilities fee as follows:
4 in a county with a metropolitan court \$24.00;
5 in any other county 10.00. "

6 Section 4. EFFECTIVE DATE. --The effective date of the
7 provisions of this act is July 1, 2003.

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